

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MICHELLE GRIMMETT, on her own behalf	:	
and on behalf of all others similarly situated,	:	
	:	
Plaintiff,	:	
	:	
-against-	:	24-CV-5903 (VEC)
	:	
	:	<u>ORDER</u>
DMM SOLUTIONS, INC., and DOES 1-	:	
100, Whose Names Are Currently Unknown	:	
	:	
	:	
Defendants.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS Plaintiff has filed an affidavit of service as to the sole named Defendant,  
DMM Solutions, Inc., Dkt. 8;

WHEREAS the deadline to answer or otherwise respond to the Complaint has elapsed for  
DMM Solutions, Inc, Dkt. 8;

WHEREAS DMM Solutions, Inc. has not answered or otherwise responded to the  
Complaint; and

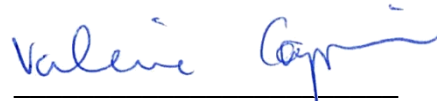
WHEREAS “[Federal] Rule [of Civil Procedure] 23(c) imposes an independent duty on  
the district court to determine by order that the requirements of Rule 23(a) are met regardless of  
the defendant’s admissions, and thus the Court cannot permit certification by default.” *Winegard  
v. Crain Commc’ns, Inc.*, No. 20-cv-01509, 2021 WL 1198960, at \*2 (S.D.N.Y. Mar. 30, 2021)  
(cleaned up).

IT IS HEREBY ORDERED that, not later than **October 14, 2024**, Plaintiff must either  
(1) move for an order to show cause why default judgment should not be entered against DMM

Solutions, Inc. on behalf of Ms. Grimmett, in accordance with this Court's Individual Practices, or (2) move for class certification. If Plaintiff does not move for an order to show cause or for class certification by this date, the case will be dismissed without prejudice for failure to prosecute.

**SO ORDERED.**

**Date: September 23, 2024**  
**New York, New York**

  
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**VALERIE CAPRONI**  
**United States District Judge**